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Parliament Today: *Three Speeches on Governance*

By the Hon. Tony Valeri,
Leader of the Government in the House of Commons

The Crossing Boundaries National Council

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Preface

The three speeches in this volume were given between November 2004 and May 2005 by the Hon. Tony Valeri, Leader of the Government in the House of Commons, and Co-chair of the Crossing Boundaries National Council, as part of the Council's Speakers Series. In them, he addresses a range of questions that preoccupy many parliamentarians today as they consider possible reforms for the future.

In the first one, *On Leadership Styles*, Minister Valeri poses the question: **What kind of leadership do we want in Parliament?** He contrasts: a more traditional "top-down" approach with a more "collaborative" one and argues that collaboration is necessary for good governance.

In the second one, *Speaking In Turn: Pushing the Boundaries of Representative Government*, the theme is public engagement. Two views of how we should understand the role of a more engaged public are described and discussed: the populist vs. the public-consultation approach. Minister Valeri asks what each one in turn means for Canadians and for Parliamentarians in their role as decision-makers.

The third and final speech is *On Governance: Do we still want a Westminster system*? He outlines the debate over free votes in Parliament, considers whether there is a more principled way of deciding how and when a vote should be declared a free one, and then addresses the question whether pressure for more free votes risks blurring the distinction between our Westminster model of government and a more congressional approach, such as the American model.

The Council would like to express its appreciation to Minister Valeri for his participation in this series and his contribution to its on-going commitment to promote discussion and debate on options for parliamentary reform and democratic renewal.

Donald G. Lenihan
May 2005

On Leadership Styles
Governance in Canada Conference
November 9th 2004

Good morning everyone. As you just heard, I have been asked to share some thoughts with you on the state of our democracy, based on my experience as Government House Leader in a minority Parliament. Perhaps the right place to start is by telling you about an article that I read a few years ago that had quite an impact on me. I came across it in the Toronto *Globe and Mail* and it kept me thinking for days. It was about the changing skills that leaders of multinational corporations need to succeed in the New Economy and what it might mean for Canadians. The article said, and I quote:

"…the traditional [leadership] style of leading the troops over the hill to conquer is out of favour in an economy increasingly marked by mergers, joint ventures and co-operative networking. Being able to work collaboratively – delegating responsibility and appreciating diversity – is becoming the way of the New Economy…Canadian senior executives are in the enviable position of being leaders in this approach."[1]

In effect, the news here is that business leaders now think that the traditional, tough-as-nails, take-no-prisoners kind of leadership belongs in the past. It is part of an old paradigm that should be abandoned.

By contrast, today's corporate leader is expected to excel at teamwork, relationship-building, negotiation and communications. The article goes on to say that, in the New Economy, those countries whose culture and values encourage collaboration are more likely to succeed in leadership positions. Canada, it concludes, is such a country.

There is a particular lesson that I want to draw from this because it is directly related to the points that I want to make this morning. Let me sum it up this way: In an increasingly diverse and complex world, the best way to succeed is not by trying to steamroll the competition. Working together is often a better way to get results.

The article puts before us two competing views of leadership. One emphasizes the power to issue commands and rules, usually from a remote location. It regards involvement with others—especially competitors—as interference that only diminishes the power of the leader. The other emphasizes collaboration. In this view, far from being diminished by working with the competition, leadership can be enhanced and strengthened by it.

Over the last decade, I have been involved in many debates about leadership. Now, as the Leader of the Government in the House of Commons—in a minority Parliament—I find myself in a unique position to test some of the ideas and see where theory meets practice, where the rubber hits the road.

Here is the question I want to pose for you: **What kind of leadership do we want in Parliament?** The answer, it seems, depends on who you ask—or, perhaps, on how you look at democracy. Let me explain with an example based on personal experience.

As you know, our government recently tabled its Speech from the Throne, followed by the Prime Minister's Address in Reply to it. Two opposition parties, the Conservatives and the Bloc Quebecois, proposed amendments. As a minority government, we had some hard choices to make. There were some tense moments. At one point we were poised to hold a confidence vote on the amendments. But we worked hard with the other parties. We all met, talked and, in the end, found agreement on wording that satisfied them and met the government's objectives without compromising its core principles.

[1]See 'Canadian team builders turn U.S. heads'; Globe and Mail; Monday, August 28th, 2000, Page B8

Today, there is a sense among the parties that together we were able to demonstrate that we can make this Parliament work. Nevertheless, there is an alternate view, which says that we should have pushed ahead with the confidence vote and that working together with the opposition only serves to weaken the government. As House Leader it has been my job to lead many of these negotiations. So I think I'd like to take this occasion to comment on how I see them.

Let me begin with some thoughts on democracy. In my view, the genius of democracy lies in its ability to help us live with our differences—and to do so **respectfully**. It is a way of making decisions on issues of the highest importance, when others around us—our family members, friends and neighbours—may disagree with our views.

Democracy does this through a two-step process: **debate** and **decision making**. First, we discuss and debate our views. Ideally, we propose options and alternatives, we provide arguments and evidence and, in the process, we all listen and learn. Then we decide.

In Parliament, of course, this happens by a vote. In a Westminster system such as our own, a political party with a majority can gain control of this second step. When it does, it effectively controls Parliament. What questions does this pose for our two views of leadership? If you believe that leadership is defined by who controls the most votes then the answer is clear. All that really matters is whether or not I have the **power** to decide. If I do, you do not. If I share some of it with you, my power as a leader is diminished. Looked at this way, the logic of power is brutishly simple—as is the kind of leadership that follows from it.

Let me shift your attention back to the first stage of democracy: deliberation and debate. Suppose that I have more power than you. Suppose that I am part of a majority government that has the votes to ensure the final decision. If the debate and discussion between us is meaningful—if I really **listen** to you—it may change how I think. It may even change how I use the power that I have. So, while you may not have the power to decide, you can still have some **influence** over me. That is possible only if I am willing to listen to you and seriously consider what you say.

It is this basic belief that democracy is about listening to one another—even when the number of votes is in someone's favour—that makes it so appealing. It allows us to accept the final decision as legitimate, even

when it goes against our views. It allows us to live with our differences—and to do so respectfully.

There is nothing in democracy, however, that forces us to talk and listen to one another. It is a choice and a commitment that each party and each individual must make, if democracy is to be anything more than the quest for power. Even in countries with a long history of democracy, this does not come easily. It must be cultivated, practiced, learned and reinforced. We are all very much part of a tradition in which leadership has been practiced as a game of control. We all need to contribute, if we are going to change that.

This brings me to the subject of minority governments—one on which, I must acknowledge with some regret, I am fast becoming an expert. Canadians have decided that this Parliament will be governed by a minority. Although I might have preferred otherwise, I fully accept that judgment. But what lesson should we learn from it?

In my view, it is that Canadians want Parliament to be about more than the quest for power. They want to see that debate is meaningful and that we are listening to one another when we engage in it. They want to see more collaboration and less confrontation.

Finding myself in the situation of managing a minority government is proving very instructive here. Most of the House's activity must be negoti-ated beforehand. It is not always easy. There are times when I would prefer to say to my colleagues across the table: "Take it or leave it!" rather than "What do you think?" Believe me, "What do you think?" can be a lot harder. The opposition parties often have very different views from those of our government. As a result, even at the best of times, governing with a minority can be a trying and messy business. But overall there are fewer surprises, procedural shenanigans, and games. People have to agree to make it work.

Still, let me be very clear: If anyone thinks that this means that we do not have a bottom line, they are wrong. As a government, we have an agenda based on a substantive policy direction. We have goals. We fought an election campaign on them. And we will stand by them. So, yes, I am listening to the opposition—and so is the government I represent. But I regard that as a gain for Canadians—and I think that they will too.

This brings me back to the question of working together with the opposition: Should it be seen as a sign of weakness? As you may have guessed, I disagree with that view. And here is why: It is based in a view of leadership that I reject—one that sees Parliament as little more than a game of power and who controls it. From this angle, our success as a government will be judged by whether we can get our agenda through without "blinking" or "caving in" or "backing down" or some other of a dozen tired metaphors.

From where I stand, this is just wrong. I have metaphors too—ones that I think do a much better job of explaining what we are trying to do, like "finding a balance," "looking for middle ground" or just plain "working together." So—from my perspective, what looks like an effort to make room for other voices may look to others like weakness or having no bottom line. As always, so much depends on how we choose to see things. Maybe it is worth introducing one final metaphor here: Is the Parliamentary glass half full or half empty?

Interestingly, some commentators have taken the opposite view from the one I just discussed. They think that Parliament is working remarkably well—so well, in fact, that they may wonder why we would ever want a majority government. My answer is this: While we are learning from this experience—and that is a good thing—the right lesson to draw here is not that a minority government is better than a majority government. It is rather that collaboration is better than confrontation.

Moreover, there is a cost that comes with minority governments and we should recognize it. Let me remind you that there are deep differences between the views of our government and those of the other parties. In a minority situation, we must be careful about how far we tread into this territory. That means that it is more difficult for us as a minority government to pursue some of the goals that I believe a majority of Canadians support.

For the moment, however, we must accept that they have a higher priority. They have signaled the parties in Parliament that they want them to learn to work together better. Our government accepts that judgment. The challenge that it poses for us is to take steps that will help change the **culture**. Changing our views around leadership is a very important part of that.

Over the last 10 years, I have been a part of many discussions about how to make Parliament more democratic. My colleagues and I have debated procedures and rules, processes and practices of all sorts—sometimes late into the night. While I certainly would not want to say that the exercise has been unhelpful, I see now—every day—that it does not get to the heart of things.

In the first instance, democracy is not about rules and procedures. First and foremost, it is about **voice**. Democracy feels like it is working when people feel that their voice counts—that it is being listened to—in the political process, whether as a citizen or as parliamentarians. This brings me to the central point that I want to make today:

Far from being a weakness, in a democracy, collaboration should be recognized as a core value. It is one that I have made part of my bottom line in politics. I encourage others to do the same.

Indeed, I think the central message that Canadians sent in the last election is that all parties had better make it part of their bottom lines.

In summing up, let me say that I side with the new business leaders that I referred to at the beginning of this speech—those who believe that we need more collaboration and less confrontation; those who believe that the old paradigm of leadership based on the strong-man needs to change. Ordinary Canadians know this very well. They see everyday that their businesses, marriages, associations and friendships work better when they try to listen to, rather than control, one another.

If we are looking for a knock-down argument in favour of collaboration, this last point comes pretty close. So close, in fact, that I would like to draw my remarks to a close by testing it on you: Does anyone here really want to say that an effort to listen to others is a sign of weakness? And here—this is the acid test: How many of you would teach this principle to your children? With that, I thank you all for having taken the time to listen.

Speaking for Citizens:
Pushing the Boundaries of Representative Government
Public Policy Forum Breakfast
January 19th 2005

Good morning. Let me say how pleased I am to have the opportunity to speak to you today about **public engagement**. It's a hot issue these days. Why? What is so important about it? There are lots of ideas being discussed so I hope you don't mind if I spend a few minutes trying to define one issue that I think many of us are struggling with when we talk about public engagement.

I will start by saying why I am here today. I accepted this invitation to speak about "engaging" the public because I am concerned about their growing **DIS**-engagement. As a politician, I worry about the increasing lack of public interest in politics—a condition that is evident from a number of disturbing trends, such as falling voter turn-out, especially among young people.

I think most of my colleagues would agree with this. They would also agree that public engagement is about responding to this dis-engagement by finding new ways to involve people in the political process. Indeed, there are currently at least five provinces, the federal government and a number of municipalities that have launched formal processes to consider major changes to how they practice democracy. These range from BC's experiment with a new Citizens Assembly to New Brunswick's efforts to improve the legislative process.

What should we make of such initiatives? According to some people, all this interest and experimentation is a clear sign that democracy is changing—or perhaps that it needs to change. Citizens today are more educated and more informed than in the past. As a result, they are no longer content simply to send a representative to Ottawa or to a pro-vincial capital to speak for them. These people say that, if governments want to engage the public, they should give them a **more direct** role in governance. What they really want is more opportunities to speak for themselves and to make their own decisions.

Some very able and articulate people in Canadian public policy today lean in this direction. For example, in a recent book, Neil Nevitte has ar-gued that Canadians are shedding their traditional deference to authority. As they do, he says, they want a greater voice and independence. But how far down this road should we go? How much should we change our existing institutions and practices? How will it affect the role of parlia-mentarians?

These are hard questions. None of us has all the answers. However, I think it is crucial to get this balance right, so I'd like to lay a bit of a foundation for further discussion. In particular, I want to explore two competing views of how politicians should represent citizens.

Two views of democracy

A good place to start is with a famous quote from Sir Edmund Burke, the 18th century British statesman who said—and I quote:

"Your representative owes you not his industry only but his judgment, that he betrays instead of serving you, if he sacrifices it to your opinion."

Since Burke first uttered it, this line has been cited so many times in debates over representative government that it now serves almost as the motto for those who defend a traditional view of how representative government should work. In this view, the role of the public is, first and foremost, to choose a wise official to represent them. The role of the representative is to use his or her best judgment when deciding on the issues. As a politician, Burke would say that my job is to struggle with and reach decisions on the issues according to my best lights.

He defended this view of democracy because he recognized that policy making was a complex and difficult task. Arriving at a final decision on an issue required discussion, consultation, debate, analysis and, finally, judgment. For practical reasons, he felt that it was too much to expect of the ordinary citizen, who was usually consumed with the task of making a living. Their part in governance was therefore limited to choosing a good representative to speak for their interests.

The idea that today public engagement should aim at creating a more participatory kind of democracy is often understood as posing a challenge to Burke's view—and potentially to our Westminster model of representative government. The conventional view of public engagement is that it refers to some kind of **consultation phase** that precedes **decision making**. But the two are separate. If we go far enough down the road of public engagement, however, the distinction between these stages will begin to disappear and public engagement will start to become decision making.

Many people think that this is a good idea, for example, through referenda or more binding forms of "consultation." Burke, of course, would disagree. Many other people side with him. So where should we draw the line? To help shed some light on this, I want to look briefly at a view of the role of politicians that is very different from Burke's—a view that I will call **populism** or the **politician as messenger**.

Populism: The politician as messenger

While populism has many champions, past and present, I want to start with a quote from former Reform Party Leader Preston Manning, because it sums up the view nicely. Mr. Manning was fond of speaking of the need to "listen to the common wisdom of the common people."

Populists explain their philosophy of governance this way: They say that ordinary people have a kind of practical knowledge of how things work and how they get done. They know almost instinctively what is right and what is wrong, what is fair and what is not, what is realistic and what is ridiculous. Populists then go on to link good governance directly to this "common wisdom" or "common sense" by telling us that the role of the politician is to consult with citizens on issues and allow their collective wisdom to guide decision making.

In opposition to Burke, who emphasized the need for politicians to exercise their best judgment independently of citizens, populism thus shifts the burden of governance right over to the other side. Good governance is founded on these shared experiences, shared values and common wisdom – politicians are first and foremost messengers of the people.

I believe that this philosophy of governance is wrong for at least two reasons.

- First, it exaggerates the role that "shared values" or a "common wisdom" plays in good governance.

- Second, it underestimates the complexity and trade-offs that are involved in governing.

I now want to say something about each of these points, beginning with the first.

Populism exaggerates the role of shared values

Populism exaggerates the role that a "common wisdom" or "shared values" or a "common sense" plays in good governance. It is the very essence of a pluralistic society that citizens often disagree. Pluralism and democracy are all about learning to live with differences. That is why we Canadians have four major political parties in Parliament today. That is why we have a federation.

Moreover, populism ignores the extent to which basic values and perspectives shift and change over time. The debate over same-sex marriage is a case in point. We can see that many younger people have a very different view of it from their parents. Attempting to avoid real discussion and debate of an issue by appealing to shared values is no more than a thinly disguised effort to "trump" the views that we disagree with. It solves nothing.

Indeed, in a society that is being transformed by globalization, techno-logical change and increasing social and cultural diversity, the idea that there is a fairly clear set of shared values that defines our "common wisdom" runs a high risk of becoming what has been called the "tyranny of the majority"—that is, an intolerant unwillingness by a majority to ac-commodate the legitimate aspirations of a minority.

Democracy is about learning to live with differences—and doing so peacefully and respectfully. This does not require an appeal to some mysterious "common wisdom." It requires a willingness to openly and fairly discuss and debate our differences, to submit them to a democratic process, such as a vote, and to accept the outcome as legitimate, even when it goes against our wishes. **THAT is where the critical shared values in our society really lie—in our commitment to democracy, human rights, pluralism and mutual respect**. This, I submit, is the real "common wisdom" that underlies good governance.

Populism underestimates the complexity of governing

I said that there were two flaws in populism that I want to address. The second one is that, even if all us did have the same values, populism would still have the problem that it underestimates the complexity and trade-offs that are involved in governing.

Many of the most difficult issues that I face as a legislator are not over questions of values. Consider tax laws. I may believe that there should be a progressive tax system—which is a matter of values—but deciding what this actually means in a complex tax bill around, say, fair rates for corporations, can be very difficult. Such decisions often involve all kinds of trade-offs or may affect other areas that are not even mentioned in the bill.

The same is true in all sorts of regulatory areas, such as emission controls or safety standards. The really intense exchanges are not over values but over how best to achieve them—over the relationship between means and ends. Sorting out these issues often raises highly complex and technical questions.

Civil society and democracy

Before concluding, I want to comment further on some of the views that I alluded to at the beginning of my speech.

Populists are not the only ones who think that public engagement should go beyond consultation. There is a rising chorus of voices who say that we need a more "participatory" model and that we should "democratize" government. They include a loose coalition of so-called "civil society" groups, such as women's groups, labour unions, and public advocacy organizations, such as Greenpeace. Many of these organizations employ highly paid, highly skilled and highly knowledgeable advocates, whose job is to provide a stronger voice for groups and issues that they think have been under-represented.

This coalition has made remarkable progress in helping to provide that voice. Indeed, perhaps the single biggest change in the political land-scape over the last quarter century has been the rise of these voices from outside government. They constitute a major new force in demo-cratic politics. They have become an integral part of the policy-making

process for most governments. Many of these groups are seeking a bigger role in governance. And, in their efforts to achieve it, they are increasingly well resourced, organized and informed.

In my view, therefore, the whole public engagement question should be linked to a discussion of how the rise of these groups is changing democracy and governance and what we want our political system to look like in the 21st century.

On the one hand, I think that governments have much to learn from these groups on the subject of public engagement. Many of them can fairly claim to speak for large numbers of citizens. On the other hand, there is much support among the thought-leaders in this movement for an approach to public engagement that would fundamentally change our system of democracy. They seek to push the boundary between consultation and decision making, perhaps even so far as to make consultations binding, completely removing the role of judgment from the elected representative. I believe this must be resisted. **It risks eroding the responsibility, legitimacy and authority of government to act effectively, without providing a clear alternative for better governance.**

That is why I strongly believe current experiments to promote greater citizen engagement should continue to insist on a clear separation between consultation and decision making. This is as important in our political discourse as in our practice.

If I am insisting on the integrity of the politician's role as decision maker, I am not washing my hands of the need for meaningful public engagement. If the democratic process is to be meaningful, citizens—and the civil society organizations they form to represent themselves—must have confidence that the debate and discussion in the first stage really can change what happens in the second one, that is, that it can change how decision makers think. We need both. We need meaningful consultation, allowing a real opportunity for people to be heard, together with a clear distinction between consultation and decision making.

Having both is the key to ensuring that elected representatives have the authority – not just **legal** but **moral** – to make and implement the decisions they believe are in the best interests of the community.

Conclusion

This brings me back to the question of what we should do to strengthen public engagement. What steps should we take? What tools, practices or instruments do we need? What role should civil society organizations play?

I would very much like to hear some of your thoughts on these subjects here today. So let me conclude by posing a few questions and inviting you to respond to them in our Q-&-A session. Here are four that I have been wondering about:

- On what issues do ordinary Canadians really want their voices to be heard and what steps could we take to ensure them that governments are listening?

- How do we distinguish the voices of "ordinary Canadians" from other articulate voices in society, such as public interest groups?

- What should we be doing to engage youth?

- Should we be doing more to make sure that Canadians are aware of the means they already have to make their voices heard, like contacting their MPs or writing letters to the government?

I look forward to hearing your responses to these questions, as well as any comments you may have on my remarks or questions that you may wish to pose.I have enjoyed very much speaking to you here today. Thank you for listening.

On Governance:
Do we still want a Westminster system?
Crossing Boundaries National Council Democratic Renewal National Forum March 31st 2005

Good afternoon. Let me start by saying how pleased I am to see all of you out here today. We appreciate the excellent work that you are doing at this forum. I read the discussion paper the Working Group prepared with great interest. My comments will draw on their work, as well as on my own experience as a member of a political party, a politician and the Government House Leader in Parliament.

In its paper, the Working Group lists a number of ways that our society has changed over the last quarter century and then goes on to discuss the impact on **governance**. They tell us that governance is the processes by which we make decisions that are expressions of public authority. While I accept this, I want to put a special emphasis on the word "process". Decision making is a process. And that is what I want to talk about today.

I want to explore two cases where the Working Group suggests that a clearer distinction between different approaches to decision making may be helpful. I want to explore whether they are or are not and what the reality is for someone who needs to implement and work with them.

The first concerns how governments should **engage other organizations** when they are developing new initiatives, such as our child-care program. The second concerns how debates over votes or **free votes** can blur the distinctions between our Westminster model of Government and the Congressional model.

The partnership approach

I have had many conversations over a period of time with people about how modern government works. I understand the arguments raised in *Breaking the Bargain*, a book by political scientist Donald Savoie, describe a major change under way in how modern governments work. He describes in the book how only a couple of generations ago governance in Canada was a simpler business. As an example, suppose that 25 years ago a government decided to launch a new national child care program, as we are doing today. The process might have looked like this:

First, there would be a debate in Cabinet. The Cabinet debate probably would have focused on what are the goals, funding levels and the broad eligibility criteria for the new program. Next the minister responsible for the project would work with his department to design a program that met the parameters set by Cabinet. If necessary, the Justice department would draft the legislation and the House Leader would introduce legislation into Parliament. Finally, once the legislation was through Parliament, it would move off to the operations side of the department, which would deliver it. While this picture is a little simplistic, it will do as a sketch.

Savoie shows how these three stages—policy development, program design and service delivery—have changed. In particular, we have seen the rise of a new class of well-informed, well-organized and often well-resourced non-governmental organizations and businesses who have become very active players on all three fronts. They range from small

community groups that are providing child care services who want a say in a program the government might be delivering, to large international organizations such as the Sierra Club that have an influential voice on key issues, such as climate change or the implementation plan for the Kyoto Accord.

Over the last decade, governments have been grappling with what these changes mean for them. It is now pretty much agreed that, if governments want to avoid duplication, make their programs responsive to regional and local needs, and maximize the opportunity to achieve common goals, they must work more closely with this community. Let's call this **the partnership approach**.

I think this has been a positive development in many ways, but we need to recognize that it comes at a cost. Partnerships are a two-way street. To make them work, governments must be willing to consult and work with other players at each stage of the process.

In an area like child care, this can be difficult. The range of organizations in the field is very diverse and they often have competing views and interests. Some argue effectively that there need to be national standards, some want to exclude for-profits, some want to accommodate stay-at-home parents with tax credits. It raises issues about how extensive consultations should be, who governments should bring into the consultative process, and to what degree governments are bound to these entities and their points of view.

Savoie's book argues that the new emphasis on partnerships and collaboration has made the process of setting up many new programs far more difficult today than in was 25 years ago. As someone who is living it, I would agree, and I think most people would.

Westminster versus Congressional systems

The second case or issue I want to raise involves some blurring of the differences between the Westminster model of government and the Congressional model.

As you know, the Westminster system requires party discipline. Unlike the American Congressional system, which allows representatives to vote as they choose, our system expects party members on the government side to support the Executive. Our system also expects members of opposition parties to support their leaders.

The virtues of the model are well known. It allows a government to be more effective in passing legislation and opposition parties to be more effective in opposing it if they are doing so in a very concerted manner.

By contrast, a Congressional system leads to more "log-rolling" so that legislation is often weakened in the process, or includes measures that have no clear connection to the bill's purpose, but are required in order to get the kind of support the administration might need to get it through. But the Congressional model does allow individual members to speak freely when they or their constituents disagree with their government or their party.

As a parliamentarian I was acutely aware and am still aware of the tension that many of us felt between supporting Cabinet and speaking for our constituents, when they disagreed with the government. The Prime Minister has spoken of this situation as a "democratic deficit" and has taken steps to address it. That is why, for example, we have called for a two-line vote – a free vote for everyone but Cabinet – on civil marriage.

There is a more general point here—one that reaches beyond that particular issue. The point is that many voices are now arguing that some decisions should not be subject to party discipline. Nevertheless, there is still much uncertainty about when free votes should occur. That debate does happen in the House and those of you who have watched the House would see that.

Some say that not all issues of conscience should be free votes. Others say that they should be. Still others think that free votes should extend to other policy matters. Finally, some wonder if and when Cabinet members should be allowed to join in. Let's call this the free-vote debate. It carves

out a second place where governance is changing. It suggests that we need to strike a better balance between the virtues of the Westminster approach and those of a Congressional one. In effect, the Westminster system is evolving. The challenge is whether we can adjust it without moving too far toward a Congressional model.

The governance challenge

Let me summarize the two developments this way:

- The partnership approach leads to a new emphasis on the need to collaborate with prospective partners at each stage of the policy development process.

- With respect to the classification of votes or free votes, it suggest that sometimes we can and should relax party discipline to let representatives vote as they choose.

As the two cases show, not only is our system of governance changing, but it is doing so in real time. We are not always sure where or how much to collaborate; and there is a lively debate over what should be a free vote. Do we need greater clarity on these issues? If so, what can we do to provide it? The Working Group proposes an idea that merits discussion. If you'll bear with me for a few moments, I will outline it.

The option of "governance guidelines"

In a nutshell, their suggestion is that we try to devise criteria to help define where and when these approaches should be used. For example, on free votes we could come up with a list that would help define what we mean by "issues of conscience." When a particular issue arises, we would look to see how well it matches the criteria. If it is a good fit, we would declare it an issue of conscience and treat it as a free vote. The same for partnerships: if the criteria suggested that a new initiative required a more collaborative approach, governments would aim to include prospective partners more closely in the various stages of the process.

The Working Group is suggesting that the changes that seem to be already under way could be clarified by providing guidelines that distinguish more clearly between different ways of responding to different kinds of issues. In theory it would provide a more principled and authoritative way of deciding when a government should move away from more traditional party discipline decision making and instead, rely more on

other kinds of processes. If the authors of the paper will forgive me for indulging in a bit of bureaucratic jargon, we can call them **governance guidelines**.

I read the Working Group's proposal with interest. But it does raise a number of questions. Here are four that occurred to me:

- How helpful would it be in clarifying roles?

- Could it lead to a blurring of the distinction between the Westminster and Congressional models, rather than clarity?

- Who would make governance guidelines and how would they get legitimacy?

- How would political parties respond to this challenge?

As someone who deals with governance issues every day, I thought that these questions could help me make a contribution to your discussion. I want to comment briefly on each one to highlight some of the strengths and weaknesses of the Working Group's proposal.

In answering the first question, I think it is worth pausing to reflect on how a decision on a free vote gets made now. In such a process, we would take into consideration comments from Cabinet, in particular the Minister responsible for the legislation would want to have a comment and his or her advice considered in deciding on the classification of the vote. Comments from Caucus would also be considered, as politicians we are always trying to keep our ears to the ground to try to understand what the public's opinion would be on an issue, along with organizations outside government, and so on. In the end, the decision would likely be made by the Prime Minister, with the advice of the House Leader and Whip directly. So would a guideline for votes make a difference in terms of determining what kind of vote we should hold on a particular initiative?

In fact, we have guidelines and I'm sure all parties have guidelines. It's certainly not perfect but in setting the classification for a vote, I have my discussion with the people involved. Here is the pressure that I experience and I am sure the opposition faces the same thing. Those who are against the legislation or initiative would say it has to be a free vote. They would argue it is an important issue, Parliament must pronounce on it, there are flaws in the initiative and that there needs to be a free vote.

Those who are supportive of a piece of legislation or initiative want a three-line whip, arguing that it is essential to government, it is very fundamental to the survival of the government, it is central to what we stand for, and so we need to vote as a unit with respect to this particular initiative. The guidelines would be subject to each person's interpretation.

By definition, guidelines are general. They must be interpreted and applied to a situation. But interpretations can differ—especially in the context of partisan politics. So it's not hard to imagine a situation where I am being asked to classify a vote where the opposition might take me on as to why a vote is not a free vote, saying I should be more democratic. At the same time, that argument could come from colleagues on the government side. Often it is about perspective and interpretation.

In that respect, I'm not sure guidelines clarify or legitimize our position. On the contrary, they might become a source of debate and contention and, indeed, a weapon for the opposition to attack the integrity of the process and the government. If some parliamentarians interpreted the criteria for a free vote differently from the Executive, who would be right? Would that become an excuse for them to break party ranks on key issues? If so, it might only contribute to weakening our Westminster system and move us quickly toward a Congressional one. Is that what Canadians want?

Maybe that's more the question that we need to answer, rather than how to classify a vote, the question that has to be answered is "what do Canadians actually want?" Do they want a Westminster system, or a variation on a Westminster system, or do they want Congressional system? I think in deciding what system ultimately Canadians want, we can deal with some of the issues the Working Group has been struggling with. I know there are provinces as well that are going out and asking Canadians that question.

In sum, before governance guidelines could usefully clarify how we should approach various issues, we would have to feel confident that opposition parties and our own caucus would respect our efforts to use them. The criteria would have to be seen by all as a **legitimate and authoritative basis** for the Executive to make decisions on the type of vote.

This leads to my third question: Who would make governance guidelines and how would they get legitimacy? The Working Group suggests that the best way to acquire legitimacy would be to have the guidelines **sanctioned by citizens in an election**. They also note that political parties are in the best position to make that happen. Presumably, they are the ones to lead the charge—perhaps by launching a process to develop some guidelines. When it was done, the party would include them in its election platform. During the campaign, party spokespersons would promise that, if elected, the new government would use the guidelines to decide on the right approach in different situations. The suggestion, then, is that an election would allow a government to claim that it had a mandate to act on these guidelines—to use them as an authoritative guide to how it collaborates with outside groups in policy development or how we would decide when an issue should be a free vote, whipped vote or a confidence measure.

Would this work? Let me grant that, **IF** these guidelines had been endorsed by voters in an election, and **IF** they were clear enough to avoid a lot of conflicting interpretations, they might take on the kind of legitimacy that would be needed to make them an authoritative and useful basis for decision making. But here is the challenge: First, political parties would have to be willing to propose them in a campaign; and, second, not only would the guidelines have to be clear, they would have to be workable.

At this point I would like to let everybody in on a little secret: that is exactly what the Prime Minister attempted to do when he laid out a six point plan in his leadership campaign. He laid out a six point plan, he referred to voting criteria, he talked about it during the campaign, and in fact if you search you will find references in the campaign documents to the six point plan the Prime Minister had talked about prior to becoming Prime Minister. In fact, that plan was implemented before we went to the polls. We then went to the polls on that information and we were given a mandate to govern.

We essentially have – and here I will go back to the civil marriage debate – we have guidelines that we have put in place, and we have used those guidelines to classify the vote on civil marriage as a two-line whip. We also have the discussion and debate outside Parliament and inside Parliament about why the classification is unfair, from those who would prefer that it be a free vote and those who would prefer that it be three-line

or even confidence. We also review the appointments. We put in place a pre-appointment review by committees and some Parliamentarians are now arguing that it should be approval of appointments. Some would prefer that it be more of a Congressional approach.

You can see that in these situations we have guidelines, we have a ratification of those guidelines through leadership and an election campaign, but they are still subject to interpretation. The application is where the challenge remains. I think I may have just outlined how they have responded, and how we should expect them to respond: from their own political ideology.

The Working Group touches on one point: The attempt to provide guidelines could be presented as part of an effort to strengthen accountability and transparency. I think that is absolutely correct. I think accountability and transparency do resonate with Canadians and that is why the Prime Minister introduced this six point plan, included it in his campaign, and got a mandate.

This leads to my final thoughts on the proposal. Would political parties be able to arrive at such criteria? If they did undertake such a project, would they produce guidelines that were clear and workable?

I think political parties can come up with criteria. Still, the difficulty would be in applying them. Why? Because I think the discussion around these guidelines and these criteria is a very serious political debate, in which people have real, heart-felt differences over how our democracy should work. For example, if we asked populists to provide a list of criteria for free votes, they would probably lean toward a set that promoted lots of them so that they would have more control over their representatives.

The early Reform Party is a case in point. As you may recall, Reformers felt that mechanisms such as local referendums and recall should be central tools of a modern democracy. On the other hand, those from a more left-of-centre party such as the NDP might want to use partnerships and give a bigger role to labour unions, NGOs and community organizations.

If Reformers had a populist leaning, many in the NDP have a more corporatist one. If we had time, we could go on to ask what kind of guidelines libertarians or greens might set. My point, however, is that a debate over these guidelines would not be just an abstract, dry or obscure one. It would be based on deeply held political values, beliefs and ideological leanings. Different people and different parties would produce quite different guidelines to reflect their view of the relationship between the various players in the governance field.

There is a long history in government and law of similar exercises for similar purposes. They are rarely successful. But if I have serious reservations on that front, I do think that there needs to be a searching discussion of where governance is going and what we want our democracy to look like in the future and I think that would be good for political parties and good for democracy. Perhaps that is the real nugget that is buried within the proposal.

Conclusion

By way of a conclusion, let me say that, while I find it easy enough to see **in theory** why governance guidelines could make an important contribution to democratic renewal, I hope that I have made clear why I think that, **in practice**, there would be some real challenges around formulating them and making them work. What I hope would emerge over time is a consistency in applying these guidelines that would further reinforce their legitimacy and acceptability. I think that is the goal and objective that we should all have.

Our system of governance rests on a complex set of rules, processes, organizations, values and beliefs that has evolved over centuries. These things do not change easily. Perhaps it would be best to view the proposal as a sign-post that points toward the future and invites us to think more deeply about the changes that are already under way. As you continue with your discussions here today, I must leave it to you to reach a conclusion on that. I think there is more work to do.

[i] The Democratic Renewal Working Group of the Crossing Boundaries National Council had circulated a discussion paper before the Forum. The final version of the paper is forthcoming and will be posted on the website at www.crossingboundaries.ca in June 2005.